



Arbitrator: Retired Judge or Out-of-Town Labor Lawyer?

Posted by **Pierluigi Oliverio** on Monday, October 25, 2010

At first glance, modifying binding arbitration back in July was not my first choice over new pensions for new employees. I support the Mayor on fiscal issues, so voting in favor of Measure V and giving residents the opportunity to support this measure is consistent with my line of thinking.

[You can read more about the San Jose fiscal reforms measure here.](#)

In a nutshell, Measure V would put limits on outside arbitrators. During the course of the campaign I have become more and more supportive of this measure. There are two primary reasons why it is important, neither of which are getting much publicity. One, the passage of Measure V will mandate that binding arbitration for public safety unions would be held as public meetings. Public meetings that the taxpayer could attend and see how tax dollars are allocated.

As it stands today, even Councilmembers that you elect are not allowed to attend these meetings.

Second, Measure V would require that the current out-of-town labor lawyer acting as arbitrator be replaced with a retired judge. Most people share the belief that a judge is more fair than a lawyer. Not every judge is perfect, however, I would pick a retired judge instead of an out-of-town labor lawyer to make a final financial decision under binding arbitration.

I have known many of our public safety professionals for more than 30 years. They are good people who do good work. However, the status quo of pay and benefits increasing faster than revenue actually results in less police and less firefighters for residents. The City has a legal obligation to pay pensions and does not have money left over to hire more police or firefighters.

I would suggest moving forward that the critics of Measure V explain the value of how the current closed-door binding arbitration process overseen by an out-of-town labor lawyer is better than Mayor Reed's suggestions that would control costs and let taxpayers in the room. Instead, those against Measure V are attempting to mislead the voting public by sending out materials that are incorrect and contradictory as reported in a Mercury News article on Sept. 12 and [again on Oct. 22](#).

As a side note, it was announced at the council meeting last week that the city paid out \$14.6 million in accrued sick leave to retirees in July. It is a record breaking year that beat last year's all time record of \$11.7 million. Next year the potential sick leave pay out could be as high as \$21 million which is equal to this years entire city wide library budget.

Also expected property tax revenues next fiscal year will be approximately \$194 million while payments for pensions will be approximately \$250 million! Perhaps we all write "reform pensions to hire cops" on our check this year to the Tax Collector or better yet: Vote yes on Measures V & W.

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